IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11031 of 2003

Between:
S. Chandrakala, W/o Anjaiah
R/o. 16-9-817/4, Old Malakpet,
Hyderabad.

..... PETITIONER

AND

1 The Union of India, rep.by Secretary Ministry of Law
Sastri Bhavan, R.P. Road, New Delhi.
2 The Prudential Co-operative Bank Ltd, rep by Managing Director
R.P. Road, Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or Direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate Writ or direction striking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and strike down Section 13,15 and 34 of the said act and set aside the notice impugned under this Writ Petition dated 07-4-2003 in Ref.No. PCB/RP/AR/ESI/165-03-04 EM 3587 and issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act.2002 as made applicable to Co-op. Bank as illegal, arbitrary, without any authority of law, contrary to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 against the principals of natural justice and violative of Article 14,19 and 21 of the Constitution of India besides against the Doctrine of Election and pass such other order or orders which this hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KISHORE RAI

Counsel for the Respondent No.2: MR.S.ASHOK ANAND KUMAR

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ

G.ROHINI, J

17th June, 2004.
nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
The Union of India, rep.by Secretary Ministry of Law
Sastri Bhavan, R.P. Road, New Delhi.
The Prudential Co-operative Bank Ltd, rep by Managing Director
R.P. Road, Secunderabad
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